

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
726 MINNESOTA AVENUE  
KANSAS CITY, KANSAS 66101

BEFORE THE ADMINISTRATOR



IN THE MATTER OF )  
 )  
MCDONNELL DOUGLAS CORPORATION ) TSCA DOCKET NO. VII-91-T-167  
St. Louis, Missouri 63042 )  
 )  
Respondent. )

CONSENT AGREEMENT AND FINAL ORDER

This proceeding for the assessment of civil penalties was initiated on May 20, 1991, pursuant to Section 16(a) of the Toxic Substances Control Act (hereinafter TSCA), 15 U.S.C. § 2615(a), as amended, when the United States Environmental Protection Agency (hereinafter Complainant) issued to the McDonnell Douglas Corporation, St. Louis, Missouri, (hereinafter Respondent) a Complaint and Notice of Opportunity for Hearing. The Complaint charged Respondent with violations of 40 C.F.R. Part 761, promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), governing the manufacture, processing, distribution in commerce, use, disposal, storage and marking of polychlorinated biphenyls (hereinafter PCBs) at Respondent's McDonnell Aircraft Company, St. Louis, Missouri (hereinafter Mc-Air - St. Louis) facility. The Complaint proposed a civil penalty of Thirty Thousand Three Hundred Dollars (\$30,300.00) for these violations.

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CONSENT AGREEMENT

The Complainant and Respondent have entered into negotiations in an attempt to settle the allegations contained in the Complaint filed herein; this Consent Agreement and Final Order are the result of such negotiations.

The Complainant and Respondent hereby agree as follows:

1. For purposes of this proceeding, Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the factual allegations in the Complaint.

2. Respondent certifies by the signing of this Consent Agreement that to the best of its knowledge it is presently in compliance with all of the requirements of TSCA, 15 U.S.C. § 2615(a), as amended, and the PCB regulations codified at 40 C.F.R. Part 761, promulgated thereunder, at its Mc-Air - St. Louis facility.

3. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth in the Complaint.

4. Complainant and Respondent agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

5. Respondent agrees to remove from service ten (10) PCB transformers identified by the following serial numbers:

176-0036; 716-358; 641-7737; 641-7742; 641-7746; 641-7758;

662-2443; 662-2447; 662-2457; and 664-0615. Respondent agrees to ship these PCB transformers for disposal according to TSCA and the

applicable regulations promulgated thereunder by March 30, 1992. Within thirty (30) days after shipment for disposal by Respondent, Respondent agrees to certify to Complainant that Respondent has shipped for disposal the ten (10) PCB transformers.

6. Respondent consents to the issuance of the Order hereinafter recited and consents to the payment of a mitigated civil penalty as set forth below.

FINAL ORDER

Pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a) and upon information contained in this Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall dispose of according to TSCA and the applicable regulations promulgated thereunder, ten (10) PCB transformers, identified by the following serial numbers:

176-0036; 716-358; 641-7737; 641-7742; 641-7746; 641-7758; 662-2443; 662-2447; 662-2457; and 664-0615. Respondent shall ship the ten (10) PCB transformers for disposal by March 30, 1992. Within thirty (30) days after completion of the shipment for disposal of the ten (10) PCB transformers by Respondent, Respondent shall certify to Complainant that Respondent has shipped for disposal the ten (10) PCB transformers.

2. Immediately upon execution of this Consent Agreement, Respondent shall pay a mitigated civil penalty of Seven Thousand Five Hundred Dollars (\$7,500.00). Payment shall be made by cashier's or certified check made payable to the United States Treasury and remitted to:

EPA-Region VII  
c/o Mellon Bank  
P.O. Box 360748M  
Pittsburgh, Pennsylvania 15251.

3. The balance of the proposed penalty, specifically Twenty-Two Thousand Eight Hundred Dollars (\$22,800.00), is hereby deferred and shall become due and payable only in the event Respondent fails to comply with the requirements of this Order. In such event, all or part of the deferred penalty shall become due and payable.

4. Respondent's failure to pay any portion of the civil penalty assessed herein shall result in commencement of a civil action in Federal District Court to recover the amount due, together with interest thereon at the rate of eight percent (8%) per annum.

5. Complainant and Respondent shall bear their own costs and attorneys' fees incurred as a result of this action.

6. This executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk, United States Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101 by September 30, 1991.

COMPLAINANT:

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY

BY:

Julie M. Van Horn  
Julie M. Van Horn  
Assistant Regional Counsel  
Office of Regional Counsel

DATE: 30 September 91

RESPONDENT:

MCDONNELL DOUGLAS CORPORATION  
ST. LOUIS, MISSOURI

BY: Vincent T. DeBlaze  
Vincent T. DeBlaze

TITLE: Vice President - Human Resources

DATE: 23 September 1991

IT IS SO ORDERED. This order shall become effective  
immediately.

Morris Kay  
MORRIS KAY  
Regional Administrator  
U.S. Environmental Protection Agency  
Region VII

DATE: 10 - 2 - 91